

PATENT  
2059-0106P

RECEIVED

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Harold G. BROWN et al. Conf.: 7324  
Appl. No.: 09/880,907 Group: 1623  
Filed: June 15, 2001 Examiner: Khare

AUG 31 2004

OFFICE OF PETITIONS

For: PHARMACEUTICAL COMPOSITION OF COMPLEX  
CARBOHYDRATES AND ESSENTIAL OILS AND METHODS OF  
USING THE SAME

INFORMATION DISCLOSURE STATEMENT  
(SUBMISSION AFTER FILING OF AN APPLICATION  
BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE  
OR CONCURRENTLY WITH A RULE 1.114 RCE APPLICATION)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

August 31, 2004

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449(s), attached hereto.

II. COPIES (check at least one box)

- a. ☒ This application was filed before June 30, 2003. Accordingly, submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b. ☐ This application was filed on or after June 30, 2003. Accordingly, copies of cited U.S. patents and patent application publications therefore are not included. Copies of foreign patent documents and non-patent literature are included.

- c. ☐ Some or all of the documents listed on the PTO-1449 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

III. CONCISE EXPLANATION OF THE RELEVANCE  
(check at least one box)

- a. ☒ **DOCUMENTS IN THE ENGLISH LANGUAGE**

The patents, publications, or other information listed on the attached PTO 1449 are in the English language and therefore, do not require a statement of relevancy.

- b. ☐ **DOCUMENTS NOT IN THE ENGLISH LANGUAGE**

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

- c. ☐ **ENGLISH LANGUAGE SEARCH REPORT**

An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

- d. ☒ **OTHER**

The following additional information is provided for the Examiner's consideration.

Information Under Seal includes Complaints, Answers, Counterclaims, Responses, Expert Rebuttal, Claim Construction, Suggestions, and various Depositions in a pending litigation together with additional PTO-1449 forms.

FEEs

IV. ☒ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b):  
(check one box)

- a. ☐ within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required. (This section is not to be used with RCE's.)
- b. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.
- c. ☒ concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.
- d. ☐ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required.  
In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. ☐ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):  
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

- a. ☐ No statement; therefore, a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
- or
- b. ☐ See the statement below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a. ☐ each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this IDS; or
- b. ☐ each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- c. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
- d. ☐ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. PAYMENT OF FEES (check one box)


- ☐ A check in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p) is enclosed for the above-identified fee.
- ☐ Please charge Deposit Account No. 02-2448 in the amount required by 37 C.F.R. § 1.17(p) for the above-indicated fee. A triplicate copy of this paper is attached.
- ☒ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Marc S. Weiner, #32,181  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

MSW/sh  
2059-0106P

Attachment(s): ☒ PTO-1449  
☒ Documents  
☐ Foreign Search Report  
☐ Fee  
☐ Other:

(Rev. 05/14/2004)

Form PTO-1449

**INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION**

(Use several sheets if necessary)

ATTY. DOCKET NO.  
2059-0106PAPPLICATION NO.  
09/880,907APPLICANT  
Harold G. BROWN et al.FILING DATE  
June 15, 2001GROUP  
1623**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	Kind	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	US 4,248,861		02-03-1981	SCHUTT			
	US 4,474,763		10-02-1984	LUBOWE			
	US 4,707,354		11-17-1987	GARLEN et al.			
	US 5,013,726		05-07-1991	IVY et al.			
	US 5,073,366		12-17-1991	BECK			
	US 4,973,473		11-27-1990	SCHNEIDER et al.			

**FOREIGN PATENT DOCUMENTS**

Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO
JP	S62-77308		04-09-1987	JAPAN				

**OTHER DOCUMENTS**

(Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.

	DAVID C. STEINBERG, Mucopolysaccharides for cosmetics, February 1982, 3 pages, Cosmetic Technology.
	Article: Essense Oils, 2 pages
	Chemistry 470-"Industrial Chemistry", Spring 2004, Internet, 6 pages.
	SRIVAS R. SRINIVAS, Atlas of Essential Oils, 2 pages.
	Analysis of the Combined Effect of 1-Menthol and Ethanol as Skin Permeation Enhancers Based on a Two-Layer Skin Model (article), received 12-4-1992 - accepted 6-22-1993; 8 pages, Pharmaceutical Research, Vol. 11, No. 1, 1994
	HANS SCHAEFER & THOMAS E. REDELMEIER; Skin Barrier (article), 3 pages, Karger
	Interactions of heparin with human skin cells: Binding, location, and transdermal penetration (article); Received 11-5-2002, Accepted 3-4-2003; 7 pages; 2003 Wiley Periodicals, Inc.
	PANKAJ KARANDE, AMIT JAIN & SAMIR MITRAGOTRI, Discovery of transdermal penetration enhancers by high-throughput screening (article), published online 1-4-2004, 6 pages, Nature Biotechnology-Advance Online Publication
	GREGORY M. GLENN, MANGALA RAO, GARY R. MATYAS, CARL R. ALVING; Skin immunization made possible by cholera toxin (article), 2-26-1998, 1 page, Nature Vol. 391
	GREGORY M. GLENN, TANYA SCHARTON-KERSTEN, RUSSELL VASSELL, COREY P. MALLETT, THOMAS L. HALE, and CARL R. ALVING; Cutting Edge: Transcutaneous Immunization with Cholera Toxin Protects Mice Against Lethal Mucosal Toxin Challenge (article), 3 pages, Cutting Edge

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

MSW/jmb

<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  (Use several sheets if necessary)				2059-0106P		09/880,907		
				APPLICANT Harold G. BROWN et al.				
				FILING DATE June 15, 2001		GROUP 1623		
<b>U.S. PATENT DOCUMENTS</b>								
EXAMINER INITIAL	DOCUMENT NUMBER	Kind	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE	
	US							
	US							
	US							
	US							
	US							
	US							
RECEIVED  AUG 6 1 2004  OFFICE OF PETITIONS								
<b>FOREIGN PATENT DOCUMENTS</b>								
	Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
<b>OTHER DOCUMENTS</b> (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.								
	TANYA SCHARTON-KERSTEN, JIAN-MEI UY, RUSSELL VASSELL, DEREK O'HAGAN, CARL R. ALVING, and GREGORY M. GLENN; <u>Transcutaneous Immunization with Bacterial ADP-Ribosylating Exotoxins, Subunits, and Unrelated Adjuvants</u> (article); Sept. 2000; 8 pages; <i>Infection and Immunity</i> , p. 5306-5313							
	GREGOR CEVC, DIETER GEBAUER, JULIANE STIEBER, ANDREAS SCHATZLEIN, and GABRIELE BLUME; <u>Ultraflexible vesicles, Transfersomes, have an extremely low pore penetration resistance and transporttherapeutic</u> (article); Received 10-1-1996, Revised 7-3-1997, Accepted 7-14-1997; 15 pages; <i>ElsevierBBA</i>							
	RAGHAVACHARI and FAHL; <u>Targeted Gene Delivery to Skin Cells In Vivo: A Comparative Study of Liposomes and Polymers as Delivery Vehicles</u> ; Received 7-23-2001, Revised 8-28-2001, Accepted 8-28-2001, Published online 1-30-2002; 9 pages; <i>Journal of Pharmaceutical Sciences</i> , Vol. 91, No. 3, March 2002							
	MARC COHEN, RORY WOLFE, TRUDY MAI, and DANIEL LEWIS; <u>A Randomized, Double Blind, Placebo Controlled Trial of a Topical Cream Containing Glucosamine Sulfate, Chondroitin Sulfate, and Camphor for Osteoarthritis of the Knee</u> (article); Submitted 2-4-2002; Revision accepted 9-6-2002; 6 pages; <i>The Journal of Rheumatology</i> 2003, 30:3							
	MARIE CURIE and the <u>Science of Radioactivity - Research Breakthroughs (1897-1904)</u> (article); 2 pages; 2000-2004 American Institute of Physics							
EXAMINER				DATE CONSIDERED				
EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.								